

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

COURTROOM PROCEEDINGS

The court met in its courtroom at 10:00 A.M. Present: Honorable Steven M. Vartabedian, Acting Presiding Justice; Honorable Dennis A. Cornell, Associate Justice; Honorable Betty L. Dawson, Associate Justice; and Leisa V. Biggers, Clerk/Administrator, by Robert Abilez, Senior Deputy Clerk.

F049370 People v. Miranda

Cause called and argued by Charles M. Bonneau, Esq., counsel for appellant and by Peter H. Smith, Deputy Attorney General, counsel for respondent.

Cause ordered submitted.

Court recessed until Wednesday, February 21, 2007 at 10:00 A.M.

F048999 People v. Moore

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

F051593 People v. Ramsey

No brief having been filed by appellant after notice duly given under rule 8.220(a)(1) of the California Rules of Court, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

F049974 People v. Horton

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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F049974 People v. Horton

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

Standard Order:

People v. Warnes F050089

People v. Vielma F050858

People v. Saechao F050431

Pursuant to this court's amended order regarding *Cunningham* briefing dated February 16, 2007, respondent's request to file a supplemental brief is denied. In all cases, if the appellant has raised an issue challenging the imposition of the upper term in reliance on *Blakely v. Washington* (2004) 542 U.S. 296 or *Apprendi v. New Jersey* (2000) 530 U.S. 466, it shall be deemed that the appellant is also relying on *Cunningham v. California* (2007) 549 U.S. ____ [127 S.Ct. 856, 2007 U.S. LEXIS 1324].

The court does not require additional briefing from the respondent at this time. If the court deems supplemental briefing necessary, it will request a letter brief from counsel.